

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS
MULLEN AUTOMOTIVE, INC. and ULYSSES NOVOA,

DEFENDANTS
TD AMERITRADE, INC., CHARLES SCHWAB &
CO., INC., NATIONAL
FINANCIAL SERVICES, LLC and JOHN DOES 1
THROUGH 10,

Civil Action No: 23-cv-07647-AT

ATTORNEYS (FIRM NAME, ADDRESS, AND
TELEPHONE NUMBER Warsaw Burstein, LLP
575 Lexington Avenue, 7th Floor
New York, NY 10022 - (212) 984-7700

ATTORNEYS (IF KNOWN)

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Unlawful stock manipulation in violation of 10(b) of the Securities Exchange Act of 1934 (codified in
15 U.S.C. § 78j)

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No ☒ Yes ☐ Judge Previously Assigned

If yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date _____ & Case No. _____

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No ☒ Yes ☐

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS

ACTIONS UNDER STATUTES

CONTRACT

[] 110 INSURANCE
[] 120 MARINE
[] 130 MILLER ACT
[] 140 NEGOTIABLE
INSTRUMENT
[] 150 RECOVERY OF
OVERPAYMENT &
ENFORCEMENT
OF JUDGMENT
[] 151 MEDICARE ACT
[] 152 RECOVERY OF
DEFAULTED
STUDENT LOANS
(EXCL VETERANS)
[] 153 RECOVERY OF
OVERPAYMENT
OF VETERAN'S
BENEFITS
[] 160 STOCKHOLDERS
SUITS
[] 190 OTHER
CONTRACT
[] 195 CONTRACT
PRODUCT
LIABILITY
[] 196 FRANCHISE

PERSONAL INJURY

[] 310 AIRPLANE
[] 315 AIRPLANE PRODUCT
LIABILITY
[] 320 ASSAULT, LIBEL &
SLANDER
[] 330 FEDERAL
EMPLOYERS'
LIABILITY
[] 340 MARINE
[] 345 MARINE PRODUCT
LIABILITY
[] 350 MOTOR VEHICLE
[] 355 MOTOR VEHICLE
PRODUCT LIABILITY
[] 360 OTHER PERSONAL
INJURY
[] 362 PERSONAL INJURY -
MED MALPRACTICE

ACTIONS UNDER STATUTES

CIVIL RIGHTS

[] 440 OTHER CIVIL RIGHTS
(Non-Prisoner)
[] 441 VOTING
[] 442 EMPLOYMENT
[] 443 HOUSING/
ACCOMMODATIONS
[] 445 AMERICANS WITH
DISABILITIES -
EMPLOYMENT
[] 446 AMERICANS WITH
DISABILITIES -OTHER
[] 448 EDUCATION

REAL PROPERTY

[] 210 LAND
CONDEMNATION
[] 220 FORECLOSURE
[] 230 RENT LEASE &
EJECTMENT
[] 240 TORTS TO LAND
[] 245 TORT PRODUCT
LIABILITY
[] 290 ALL OTHER
REAL PROPERTY

PERSONAL INJURY

[] 367 HEALTHCARE/
PHARMACEUTICAL PERSONAL
INJURY/PRODUCT LIABILITY
[] 365 PERSONAL INJURY
PRODUCT LIABILITY
[] 368 ASBESTOS PERSONAL
INJURY PRODUCT
LIABILITY

PERSONAL PROPERTY

[] 370 OTHER FRAUD
[] 371 TRUTH IN LENDING
[] 380 OTHER PERSONAL
PROPERTY DAMAGE
[] 385 PROPERTY DAMAGE
PRODUCT LIABILITY

PRISONER PETITIONS

[] 463 ALIEN DETAINEE
[] 510 MOTIONS TO
VACATE SENTENCE
28 USC 2255
[] 530 HABEAS CORPUS
[] 535 DEATH PENALTY
[] 540 MANDAMUS & OTHER

PRISONER CIVIL RIGHTS

[] 550 CIVIL RIGHTS
[] 555 PRISON CONDITION
[] 560 CIVIL DETAINEE
CONDITIONS OF CONFINEMENT

FORFEITURE/PENALTY

[] 625 DRUG RELATED
SEIZURE OF PROPERTY
21 USC 881
[] 690 OTHER

PROPERTY RIGHTS

[] 820 COPYRIGHTS [] 880 DEFEND TRADE SECRETS ACT
[] 830 PATENT
[] 835 PATENT-ABBREVIATED NEW DRUG APPLICATION
[] 840 TRADEMARK

LABOR

[] 710 FAIR LABOR
STANDARDS ACT
[] 720 LABOR/MGMT
RELATIONS
[] 740 RAILWAY LABOR ACT
[] 751 FAMILY MEDICAL
LEAVE ACT (FMLA)
[] 790 OTHER LABOR
LITIGATION
[] 791 EMPL RET INC
SECURITY ACT (ERISA)

IMMIGRATION

[] 462 NATURALIZATION
APPLICATION
[] 465 OTHER IMMIGRATION
ACTIONS

BANKRUPTCY

[] 422 APPEAL
28 USC 158
[] 423 WITHDRAWAL
28 USC 157

SOCIAL SECURITY

[] 861 HIA (1395ff)
[] 862 BLACK LUNG (923)
[] 863 DIWC/DIWW (405(g))
[] 864 SSID TITLE XVI
[] 865 RSI (405(g))

FEDERAL TAX SUITS

[] 870 TAXES (U.S. Plaintiff or
Defendant)
[] 871 IRS-THIRD PARTY
26 USC 7609

OTHER STATUTES

[] 375 FALSE CLAIMS
[] 376 QUI TAM
[] 400 STATE
REAPPORTIONMENT
[] 410 ANTITRUST
[] 430 BANKS & BANKING
[] 450 COMMERCE
[] 460 DEPORTATION
[] 470 RACKETEER INFLU-
ENCED & CORRUPT
ORGANIZATION ACT
(RICO)
[] 480 CONSUMER CREDIT
[] 485 TELEPHONE CONSUMER
PROTECTION ACT
[] 490 CABLE/SATELLITE TV
[x] 850 SECURITIES/
COMMODITIES/
EXCHANGE
[] 890 OTHER STATUTORY
ACTIONS
[] 891 AGRICULTURAL ACTS
[] 893 ENVIRONMENTAL
MATTERS
[] 895 FREEDOM OF
INFORMATION ACT
[] 896 ARBITRATION
[] 899 ADMINISTRATIVE
PROCEDURE ACT/REVIEW OR
APPEAL OF AGENCY DECISION
[] 950 CONSTITUTIONALITY OF
STATE STATUTES

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.
AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13?
IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint

JURY DEMAND: ☒ YES ☐ NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN *x* IN ONE BOX ONLY)

ORIGIN

- ☒ 1 Original Proceeding
 ☐ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from (Specify District)
 ☐ 6 Multidistrict Litigation (Transferred)
 ☐ 7 Appeal to District Judge from Magistrate Judge
- ☐ a. all parties represented
 ☐ b. At least one party is pro se.
 ☐ 8 Multidistrict Litigation (Direct File)

(PLACE AN *x* IN ONE BOX ONLY)

BASIS OF JURISDICTION

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

- ☐ 1 U.S. PLAINTIFF
 ☐ 2 U.S. DEFENDANT
 ☒ 3 FEDERAL QUESTION
 ☐ 4 DIVERSITY
- (U.S. NOT A PARTY)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF [] 1	DEF [] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [] 3 [] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF DEF [] 5 [] 5
CITIZEN OF ANOTHER STATE	[] 2	[] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] 4 [] 4	FOREIGN NATION	[] 6 [] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

MULLEN AUTOMOTIVE, INC.

1405 Pioneer St
Brea, CA 92821
ULYSSES NOVOA

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

TD AMERITRADE, INC. 200 South 108th Avenue New York, NY 10005
CHARLES SCHWAB & CO., INC., 100 Broadway New York, NY
NATIONAL FINANCIAL SERVICES, LLC 245 Summer Street, Boston, MA 02210
and
200 Liberty Street, New York, NY, 10281

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

JOHN DOES 1 THROUGH 10

COURTHOUSE ASSIGNMENT

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN

s/Alan M. Pollack
DATE August 30, 2023
SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT
[] NO
[x] YES (DATE ADMITTED Mo.⁹ _____ Yr. ⁷⁷ _____)
Attorney Bar Code # AP-3759

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge Sarah L. Cave is so

Designated. Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED

_____. UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)